

SENATE BILL 1674

By Cohen

AN ACT to amend Tennessee Code Annotated, Title 55,
Chapter 8, relative to prohibiting cell phone use by
a driver transporting passengers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, Part 1, is amended by
adding the following as a new section thereto:

55-8-194.

(a) No driver shall operate a vehicle on any highway while using a hand held
mobile telephone while such vehicle is in motion and such vehicle is transporting
passengers for a fee; provided, however, that this section shall not apply to mobile
telephone or two-way radio communications made to and from a central dispatch, or its
equivalent, regarding the passenger's route.

(b) For the purposes of this section, unless the context otherwise requires,
"mobile telephone" means a cellular, analog, wireless or digital telephone.

(c) A violation of this section is a Class C misdemeanor punishable only by a fine
of fifty dollars (\$50.00).

(d) It is an affirmative defense to prosecution under this section, which must be
proven by a preponderance of the evidence, that the driver's use of a mobile telephone
was necessitated by a bona fide emergency.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.